

REMARKS

Reconsideration of the application is respectfully requested in view of the Applicant's remarks. The Office Action has rejected claims 1-13.

Claims 1, 11 and 12 have been amended. No new matter has been added.

CLAIM REJECTIONS

35 U.S.C. §102(b)

The Examiner rejected claims 1-12 under 35 U.S.C. §102(b) as being anticipated by Chu. Applicants respectfully submit that the claims are not anticipated by Chu.

With respect to the rejection of claim 1, the Examiner argues in part that Chu teaches:

An electronic digital image processing system....comprising...a processing engine (*i.e. program or software inherently present*) with multiple processing units (*i.e. each layer*) each re-parameterizing input variables (*i.e. raw images in RL layer*) to graded category variables (*i.e. TAH*) to accomplish processing functions such as color segmentation and grouping by similarities (*i.e. gig. 6-1; page 151, para. 2*).

3/27/07 Office Action, p. 6. Applicants respectfully disagree because Chu does not teach “the processing functions including color segmentation” as recited in claim 1. Instead, Chu teaches “the clustering of image objects [is] represented in a hierarchical knowledge structure.” Chu, p.151. These are shape descriptors and spatial relationships. *Id.* Chu’s Section 6.3.1 focuses on object segmentation. Nothing in Chu describes “processing functions including color segmentation” as recited in claim 1. Because Chu does not disclose this feature as taught by claim 1, and given that claims 3-4 depend from claim 1, applicants respectfully submit that claims 1, 3 and 4 are not anticipated under 35 U.S.C. §102(b) by Chu.

The Examiner has rejected claim 11 under 35 U.S.C. §102(b) for the reasons set forth in the rejection of claim 1. Applicants respectfully disagree because Chu does not teach “the

linguistic data including color segmentation” as recited in claim 11. Instead, Chu teaches “the clustering of image objects [is] represented in a hierarchical knowledge structure.” Chu, p.151. These are shape descriptors and spatial relationships. *Id.* Chu’s Section 6.3.1 focuses on object segmentation. Nothing in Chu describes “the linguistic data including color segmentation” as recited in claim 11. Because Chu does not disclose this feature for the reasons provided above, applicants respectfully submit that claim 11 is not anticipated under 35 U.S.C. §102(b) over Chu.

The Examiner has rejected claim 12 under 35 U.S.C. §102(b) for the reasons set forth in the rejection of claim 1. Applicants respectfully disagree because Chu does not teach “the query image descriptor including color segmentation” as recited in claim 12. Instead, Chu teaches “the clustering of image objects [is] represented in a hierarchical knowledge structure.” Chu, p.151. These are shape descriptors and spatial relationships. *Id.* Chu’s Section 6.3.1 focuses on object segmentation. Nothing in Chu describes “the query image descriptor including color segmentation” as recited in claim 12. Because Chu does not disclose this feature for the reasons provided above, applicants respectfully submit that claim 12 is not anticipated under 35 U.S.C. §102(b) over Chu.

Conclusion

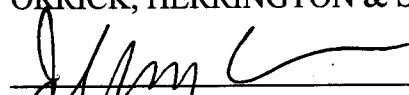
In view of the foregoing, Applicant respectfully submits that this application is in condition for allowance, which is respectfully requested. A Notice of Allowance is earnestly solicited at the earliest possible date. If the Examiner believes that a telephone conference would be useful in moving the application forward to allowance, the Examiner is encouraged to contact the undersigned at (650) 614-7647. If there are any additional fees required, please charge Deposit Account No. 15-0665.

Respectfully submitted,

ORRICK, HERRINGTON & SUTCLIFFE LLP

Dated: September 27, 2007

By:



Jeffrey A. Miller
Reg. No. 35,287

Four Park Plaza, Suite 1600
Irvine, California 92614-2558
(650) 614-7647